



Zak Tomlinson

PARTNER

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PRACTICE AREAS

Construction & Procurement
Litigation
School Districts

Zak Tomlinson is a construction and procurement lawyer who represents a wide variety of public and private owners, including cities, port districts, school districts, utility districts and a number of special purpose districts.

Zak counsels clients at the initial phase of the procurement and construction process, including development and review of procurement policies and procedures, preparation of RFQ/RFP documents (including both traditional design/bid/build projects and alternative GC/CM, Design-Build and progressive Design-Build procurement), and drafting and negotiation of design and construction contracts. He also represents clients at all stages of the dispute resolution process, including bid protests, project claims and change order evaluation, and the mediation, arbitration and litigation of substantive claims (including construction defects, delay and impacts, and insurance coverage).

Zak is also deeply involved in the representation of various public and private owners in addressing and resolving construction and procurement issues related to the COVID-19 pandemic.

Bar Admissions:

- Washington
- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Washington
- U.S. Court of Appeals for the Ninth Circuit

Education:

- Stanford University, B.A., Public Policy
- University of Washington School of Law, J.D., with honors (Order of the Coif, *Washington Law Review*, Executive Articles Editor)

Honors:

- Selected for *Chambers and Partners, USA*, in Construction in Washington, 2020
- Selected for *Washington Super Lawyers*, 2020-2021
- Selected for inclusion in *The Best Lawyers in America* in the fields of Construction Law and Litigation –

Construction, 2021

Speaking Engagements & Presentations:

- Trenchless Tunnel Projects: Owner's Guide to Risk Management, WASWD Conference, Yakima, WA

Publications:

- Co-Author, Contract Performance Issues, Washington Construction Law Deskbook
- An Owner's Guide to Managing Trenchless Risks, Pacific Northwest Trenchless Review (Spring 2014)
- Pacifica Builds (Pacifica Law's Construction Blog) (2013 – present)
- Author, CR 13 Counterclaims and Cross Claims, Washington Civil Procedure Deskbook (2008 – present, new edition 2014)

Professional Organizations:

- King County Bar Association
- American Bar Association, Construction Law Section
- Design Build Institute of America

Representative Matters:

- Represent numerous public owners in issues and claims arising from COVID-19-related impacts.
- Represent county in claims arising from construction and failure of horizontal directional drilling (HDD) project.
- Represent school district in procurement and construction of new high school using the progressive Design-Build methodology.
- Represent municipality in claims arising from failure of retaining walls in road project.
- Represent Seattle art institution in the procurement (GC/CM), contract negotiation and resolution of claims in ongoing renovation of museum.
- Represent school district in mediation of \$4 million delay and impact claim arising out of demolition and construction of middle school and insurance coverage issues.
- Represent owner in resolution of \$5 million claim involving renovation and construction of apartment complex and associated insurance coverage (builders risk) claim.
- Represent port district in variety of matters, including contractor claims arising from renovation and construction of short-term parking facility.
- Represent municipality in disputes arising out of design and construction of regional sports and entertainment facility.
- Represent regional municipal jail in variety of procurement and construction issues.
- Represent emergency communications services center in wide variety of procurement and construction issues.
- Co-counsel to water and wastewater district in defense of differing site condition claims arising from trenchless construction.
- Represent housing authority in variety of procurement and construction issues.
- Co-counsel to water and wastewater district in defense of differing site condition claims arising from trenchless construction.

- Member of team litigating claims arising out of construction of Safeco Field. Washington Supreme Court Decisions at *Wash. State Major League Baseball Stadium PFD v. Huber, Hunt & Nichols-Kiewit Const. Co.*, 165 Wn.2d 679, 202 P.3d 924 (2009) and *Wash. State Major League Baseball Stadium PFD v. Huber, Hunt & Nichols-Kiewit Const. Co.*, 165 WN. 2d 679, 202 P.3d 924 (2013).